

REMARKS

Claims 1-31 are pending. Claims 18-22 have been allowed. Claims 1-5, 13-15, 17, 23-25, and 27-31 have been rejected. Claims 6-12, 16, and 26 have been objected to.

The Examiner rejected Claim 1-5, 13-15, 17, 23-25, 27, and 28-31 under 35 U.S.C. §102(b) as being anticipated by either one of JP 2000-345978 ("Kimata et al. '978") or JP 06-010859 ("Hayashi et al. '859"). The Examiner objected to Claims 6-12, 16, and 26 as being dependent upon rejected base claims, but indicated that same would be allowable if rewritten in independent form including all the limitations of the base claim and any intervening claims.

Responsive thereto, Applicants have rewritten Claims 6, 16, and 26 in independent form to substantially incorporate all the limitations of independent Claims 1, 13, and 23, respectively, and submit that new independent Claims 6, 16, and 26, as well as Claims 7-12 which depend from new independent Claim 6, are now allowable.

Kimata et al. '978 discloses a vertical scroll compressor which includes a circular oil separating plate 30 attached to bearing 23 and extending across the full inner diameter of compressor housing 2, as may be seen from Figs. 1a and 1b. Oil separating plate 30 includes a penetration passage 31 arranged in a position higher than the lower end of upper bearing 23 of rotary shaft 5 and a connecting part of the suction pipe 7 in housing 2 for separating it into a compressing mechanistic part chamber 2P and a driving part chamber 2M.

Hayashi et al. '859 discloses a horizontal scroll compressor including an oil separator which, as may be seen from Figs. 1-3, is secured to the inner surface of casing 1. The oil separator includes collision wall 82 opposed to an opening part of suction pipe 13, and an opening part 83 opened in a direction orthogonal to the suction pipe 13 toward suction port 6 of compression element P. Opening part 83 is opposed to suction port 6 to provide oil dropping space T for dropping down oil, separating the oil separator, to a downward side from the opening part 83, between the opening part 83 and suction port 6.

Applicants respectfully submit that independent Claims 1, 13, 23, and 28 are not anticipated by either Kimata et al. '978 or Hayashi et al. '859 because each of the foregoing references fails to disclose each and every element called for in independent Claims 1, 13, 23, and 28. Specifically, independent Claims 1 and 28 each call for a compressor assembly including housing and a compressor mechanism, and further including a baffle surface secured to a portion of the compressor mechanism and spaced from the housing. Independent Claims 13

and 23 each call for a compressor assembly including a housing, a crankcase disposed within the housing, and a baffle member secured to the crankcase and spaced from the housing.

Advantageously, with the baffle member or baffle surface secured to a portion of the compressor mechanism or the crankcase and spaced from the housing, efficient manufacture of the compressor is facilitated by enabling the assembly of a subassembly which includes the motor, crankcase, baffle, and compressor mechanism prior to insertion of this subassembly into the housing of the compressor, as discussed in the present Specification at Paragraph 13.

In contrast to the foregoing, Kimata et al. '978 discloses a scroll compressor which includes oil separating plate 30 which, although same is in part attached to bearing or crankcase 23, is not spaced from housing 2 but rather is circular in shape and extends across the full inner diameter of housing 2. Thus, oil separating plate 30 of Kimata et al. '978 is not spaced from housing 2. Hayashi et al. '859 discloses a compressor including an oil separator which, although at least a portion thereof is spaced from casing 1, the oil separator is mounted to casing 1, as clearly shown in Figs. 1-3. Thus, the oil separator of Hayashi et al. '859 is not attached to the compressor mechanism or crankcase. For the foregoing reasons, Applicants respectfully submit that independent Claims 1, 13, 23, and 28, as well as Claims 2-5, 14, 15, 17, 24, 25, 27, and 29-31 which depend therefrom, are not anticipated by either Kimata et al. '978 or Hayashi et al. '859.

It is believed that the above represents a complete response to the Official Action and reconsideration is requested. Specifically, Applicants respectfully submit that the application is in condition for allowance and respectfully request allowance thereof.

In the event Applicants have overlooked the need for an additional extension of time, payment of fee, or additional payment of fee, Applicants hereby petition therefor and authorize that any charges be made to Deposit Account No. 02-0385, Baker & Daniels.

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Application Serial No. 10/657,652
Amendment dated July 27, 2005
Reply to Office Action dated May 18, 2005

Should the Examiner have any further questions regarding any of the foregoing, she is respectfully invited to telephone the undersigned at (260) 424-8000.

Respectfully submitted,



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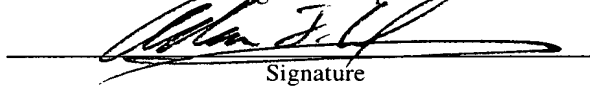
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I hereby certify that this correspondence is being deposited with the United States Postal Service as First Class Mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on: July 27, 2005

ADAM F. COX, REG. NO. 46,644

Name of Registered Representative



Signature

July 27, 2005

Date